

Substitute for form 1449A/PTO		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT		Application Number	10/635,862
		Filing Date	August 5, 2003
		First Named Inventor	Michael J. DeLuca
		Art Unit	2622
		Examiner Name	Giles, Nicholas G.
(Use as many sheets as necessary)		Attorney Docket Number	FN-101-CIP-US
Sheet	1	of	2

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with the provisions of 37 C.F.R. § 1.56(a) and 37 C.F.R. § 1.97, Applicant(s) hereby make of record the references listed on the accompanying form, SB/08A and/or SB/08b for consideration by the Examiner in connection with the examination of the above-identified patent application.

This Information Disclosure Statement:

- (a) accompanies
 - a new patent application submitted herewith; or
 - a Request for Continued Examination (RCE)
- (b) is filed within three (3) months of the Filing Date or before the mailing date of a First Office Action on the merits; **OR**
- (c) ☒ is filed after the first Office Action and more than three months after the application's filing date or PCT national stage date of entry filing but, as far as is known to the undersigned prior to the mailing date of either a final rejection or a notice of allowance, and is accompanied by either the fee (\$180) set forth in 37 CFR § 1.17(p) or a certification as specified in 37 CFR § 1.97(e), as checked below **OR**
- (d) is filed after the mailing date of either a final rejection or a notice of allowance, and the issue fee has not been paid, and is accompanied by the requisite petition fee (\$130) set forth in 37 CFR § 1.17(l)(1) and a certification as specified in 37 CFR § 1.97(e), as checked below.
This document is to be considered as a petition requesting consideration of the information disclosure statement.

As required under § 1.97(e), Applicants, through the undersigned, hereby state either that [check the appropriate space]:

- (e) Each item of information contained in the Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing date of the Information Disclosure Statement; or
- (f) No item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this Statement after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

This application is a continuation-in-part of 10/170,511, filed June 12, 2002, now U.S. Patent No. 7,042,505, issued May 9, 2006, which is a continuation of 08/947,603, filed October 9, 1997, now U.S. Patent No. 6,407,777, issued June 18, 2002. No references are being submitted for citations which have been cited in the parent applications identified above, as defined in 37 CFR 1.98(d).

Each item of information listed in the attached FORM PTO/SB/08a and/or SB/08b may be material to the examination of the above-identified application and is, therefore, submitted in compliance with the duty of disclosure defined in 37 CFR 1.56, 1.97 and 1.98. The Examiner is requested to make these items of official record in this application.

Substitute for form 1449A/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Application Number	10/635,862
				Filing Date	August 5, 2003
				First Named Inventor	Michael J. DeLuca
				Art Unit	2622
				Examiner Name	Giles, Nicholas G.
(Use as many sheets as necessary)				Attorney Docket Number	FN-101-CIP-US
Sheet	2	of	2		

Pursuant to notice entitled "Information Disclosure Statements May Be Filed Without Copies Of U.S. Patents and Published Applications in Patent Applications filed after June 30, 2003," *Off. Gaz. Pat. Office* 55 (August 5, 2003), no copies of U.S. Patents and U.S. Published Patent Applications are being supplied with this Information Disclosure Statement.

This Information Disclosure Statement under 37 CFR 1.56, 1.97 and 1.98 is not to be construed as a representation that a search has been made, that additional information material to the examination of this application does not exist, or that any one or more of these items constitutes prior art.

If this statement crosses in the mail with an office action, or is otherwise not in the indicated category of 37 C.F.R. 1.97, it is respectfully requested that this statement be treated in the next appropriate category and made of record. To the extent required, please treat this submission as a conditional petition for acceptance of the information disclosure statement.

The Commissioner is authorized to charge any deficiencies and credit any overpayment of fees to our Deposit Account No. 50-4399.

Respectfully submitted,

Date: March 13, 2009

By: Andrew V. Smith
Reg. No. 43,132
Attorney for Applicant(s)

<input checked="" type="checkbox"/> Customer Number or Bar Code Label	72104 (Insert Customer No. or Attach bar code label here)
---	--

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the United States Patent Office, number 1-571-273-8300, or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope, or filed electronically and addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
<u>March 13, 2009</u> Date	<u>/Karen Rogers/</u> Karen Rogers